



1761

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Ian David Kaehne
Filed : September 30, 2004
Serial No. : 10/509,803
For : Manufactured Mineral Water Composition

Group Art Unit : 1761
Examiner : Helen S. Pratt

Commissioner for Patents
MailStop: Amendment
P.O. Box 1450
Alexandria, Virginia 22313-1450

Response to Restriction Requirement

S I R:

In response to the Office Action dated August 26, 2007, Applicants provisionally elect with traverse to prosecute the invention of Group I, namely claims 1-42 and 47-61, which are drawn to a composition. Notwithstanding Applicant's election, Applicant traverses the Examiner's restriction requirement for the reasons which are set forth hereinbelow.

Applicant respectfully submits that prosecution of all the original claims is appropriate and the original claims as presented should not be restricted, given that the related generic subject matter set forth in the originally filed claims is sufficiently narrow to be examined in a single patent application. Although patentably distinguishable, the inventions of groups I and II should be examined in a single application.

According to M.P.E.P. §803, restriction by the Examiner of patentably distinct inventions is proper if the claimed inventions are independent and a serious burden would be placed on the Examiner if restriction was not required. Applicants respectfully submit that the presentation of the original claims would not place such a serious burden on the Examiner as to require restriction. Thus, pursuant to the foregoing, Applicants respectfully submit that any search the Examiner would need to conduct in examining all of the claims of the instant application would not be unduly burdensome and should be examined in the present application.

Applicants understand the general policy considerations for the Patent Office's requirement for restriction in certain instances. In this instance, however, those considerations do not weigh in favor of restricting the inventions here. In determining the appropriateness of restriction, one must also consider the countervailing consideration that, in each instance, Applicant wishes the Patent Office to examine his or her application with a certain degree of "administrative efficiency" and wishes to have patent claims issue which reflect the breadth of his or her invention.

Applicants respectfully submit that all of the pending claims are sufficiently narrow to allow the Examiner to determine patentability without being subjected to the serious burden referred to in M.P.E.P. §803. Consequently, Applicants respectfully request that the Examiner withdraw the restriction requirement for all of the claims which were originally presented.

Inasmuch as this response may raise additional issues for the Examiner's consideration, the Examiner is respectfully requested to call the undersigned attorney at the number set forth below, should there be a need to discuss this restriction requirement and Applicants' provisional election.

No fee is believed due for the presentation of this response. If any additional fee is due or any credit is owed, please debit/credit deposit account 04-0838.

Small entity status applies to the present application.

Respectfully submitted,

COLEMAN SUDOL SAPONE, P.C.

By: 

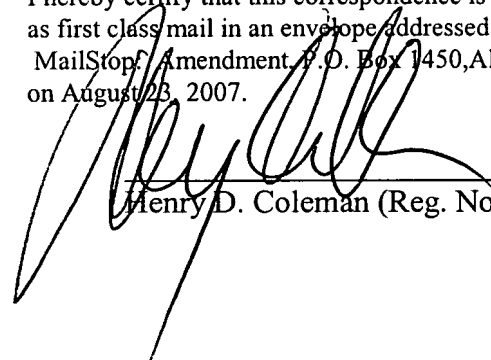
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Dated: August 23, 2007

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, MailStop Amendment, P.O. Box 1450, Alexandria, Virginia 22313-1450 on August 23, 2007.


Henry D. Coleman (Reg. No. 32,559)